REMARKS

As an initial matter, this paper is in response to the Notice of Non-Compliant Amendment mailed January 15, 2008. Claims 1-23 have been relabeled as "Cancelled" according to the Examiner's instruction. However, currently pending claims 41-42 remain labeled as "Currently Amended" because they are not new as of the paper last filed by Applicant on December 19, 2007. The Examiner's attention is respectfully directed to page 3 of the Office Action mailed October 16, 2007 for the Examiner's acknowledgement of the prior pendency of claims 41-42.

Claims 24-42 are pending. In an Office Action mailed October 16, 2007, Claims 24-42 were rejected, Claims 24 and 34 were objected to, and the specification was objected to. Pursuant to 37 CFR 1.111, Applicant hereby respectfully requests reconsideration of the application.

OBJECTION TO THE SPECIFICATION

The specification was objected to under 35 U.S.C. §132(a) for introducing new matter into the disclosure, stating "The added material which is not supported by the original disclosure is as follows: the added paragraph of 'The mat supports…region 210' at line 9 of page 30 is new matter which is not supported by the originally filed specification." Applicant respectfully disagrees. Applicant respectfully submits that the added paragraph merely describes features of Figures 11, 12, 13A, and 13B which are apparent on inspection by one having ordinary skill in the relevant art. Thus, Applicant believes that no new matter has been introduced, and that no cancellation is necessary.

OBJECTIONS TO THE CLAIMS

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The numbering of the claims was objected to under 37 CFR 1.126. Applicant acknowledges the renumbering and appreciates Examiner's diligence. Claims 24 and 34 were objected to and have been amended responsive to the objections raised.

CLAIM REJECTIONS BASED ON 35 U.S.C. §112

Claims 24-42 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, stating "The claimed nonporous section and protrusions engagable with the structural surface for supporting the mat on the structural surface and permitting fluid flow between the lower surface of the mat and the structural surface in claims 24 and 33, the claimed protrusions with uniform depth and uniform spacing in claims 25-26, the claimed second section surrounds the first section in claim 28, the claimed housing including a sealing surface sealably engagable with the first and second structural surfaces in claim 35, and the claimed housing having a first sealing surface, and second sealing surface, and third sealing surface and a fourth sealing surface and the claimed locations among four sealing surfaces as claimed in claims 38-40 are new matters which are not supported by the originally filed specification." Applicant respectfully disagrees. For the same reasons as argued above with respect to the specification, Applicant believes that no amendments are necessary.

Claims 24-30, 32-36, and 38-41 were rejected under 35 U.S.C. §112, second paragraph, as being "incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP §2172.01." Applicant respectfully disagrees. MPEP §2172.01 states "A claim which omits matter disclosed to be essential to the invention as described in the specification or in other statements of record may be rejected under 35 U.S.C. 112, first paragraph, as not enabling." Applicant respectfully asserts that the specification does not classify a vacuum source as essential, and thus a vacuum source is not required as one of the elements in the claims. Similarly, MPEP 2164.08(c) states "A feature which is taught as critical in a specification and is not recited in the claims should result in a rejection of such claim under the

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enablement provision section of 35 U.S.C. 112." Applicant does not teach that the vacuum source is critical to the invention. Vacuum sources are well-known in the art. One aspect of Applicant's invention is an apparatus attachable to a vacuum source for removing unwanted moisture. Thus, Applicant believes that no amendment is necessary.

REJECTIONS BASED ON 35 U.S.C. § 102

Claims 24-29 and 31-34 were rejected under 35 U.S.C. §102(b) as being anticipated by JP 08042148 A ("Komata"), stating "Komata shows…a first nonporous section (see Fig. 1, left and right side of 7), the first section including an array of protrusions 3 engagable with the structural surface C…" Applicant respectfully disagrees.

Komata's Figure 1 shows the protrusions engaging the mat, not the structural surface. Additionally, the array of protrusions 3 is not included in the first nonporous section. Applicant's Claims 24 and 33 require both that the array be included in the first section, and that the protrusions directly engage the mat. Thus, Komata cannot anticipate Claims 24 and 33. As the other rejected claims depend from Claims 24 and 33, they are allowable over Komata for at least the same reasons.

Claims 33-34 and 36-39 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,185,429 ("Mendola"). Note that Applicant believes the rejections to these claims are the result of confusion due to the previously misnumbered claims, and that the rejections were meant to be applied to independent Claims 35 and 38 and their dependents. Thus, Applicant will respond accordingly. The Office Action states "Mendola shows an apparatus for removing unwanted moisture from a structure, the structure including first and second substantially orthogonal structural surfaces 30, 31, the apparatus comprising a housing 35 including a sealing surface sealably engagable with the first and second structural surfaces." Applicant respectfully disagrees.

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Applicant's Claim 35 requires the housing to include "a sealing surface sealingly engagable with the first and second structural surfaces." Mendola does not mention a seal or sealing anywhere in the disclosure, with the exception of col. 4, lines 54-58, "Due to the nature of the pipe as being fabricated from plastic, the pipes can be inserted into the member 50 and if desired, the joints can be sealed by means of a suitable epoxy or a sealing compound; may [sic] examples of which are well known in the art." Mendola mentions sealing joints of pipes that are inserted into the member 50. Mendola is not concerned with seals or sealing surfaces because Mendola's device does not use a vacuum, instead, it is a gravity-fed drain pipe leading to a collection site. Thus, the apparatus of Mendola cannot reasonably be characterized as having a "sealing surface," and Mendola cannot anticipate Applicant's Claim 35. As to Claim 36, the Office Action states "With regard to claims [36] and [41], a hole formed in the bottom of a pipe such as 35 of Fig. 3 and connected to pipe 16 (col. 5, lines 29-31) is considered to be vacuum port. Again, Mendola does not use a vacuum. Thus, it is only with Applicant's specification in hand and with impermissible hindsight that one could possibly characterize one of many drainage holes in a drain pipe as a "vacuum port." And even if one of the many drainage holes could accurately be characterized as a vacuum port, it would be ineffective for its intended purpose: if a vacuum source was connected to one of the many drainage holes, no pressure differential would be created, as the many other drainage holes provide ready passages for air from the atmosphere to enter the system. Additionally, as Claim 36 depends from Claim 35, it is allowable for at least the same reasons Claim 35 is allowable.

As to Claim 38, the Office Action states "For claim [38], Mendola shows an apparatus 15, 35, 55 for removing unwanted moisture from a structure 10, the apparatus comprising a housing having a first sealing surface, a second sealing surface, a third sealing surface and a fourth sealing surface which are arranged same as claimed (see Figs. 1-4 below)." Applicant respectfully disagrees.

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Coupling member 50 of Fig. 4 "enables one to couple a length of pipe 35 to another similar configuration…Due to the nature of the pipe as being fabricated from plastic, the pipes can be inserted into the member 50 and, if desired, the joints can be sealed by means of a suitable epoxy or a sealing compound…Typical joining members may include a slightly larger section of pipe having the same cross-sectional configuration as that shown in FIG. 3 and as depicted in FIG. 4." (Col. 4, lines 45-65). These passages from Mendola make clear that pipe 35 of Fig. 3 is inserted into elbow coupling mechanism 50 of Fig. 4, and pipe 35 does not abut mechanism 50. Thus, what the Office Action characterizes as second, third, and fourth sealing surfaces do not, in fact, seal anything, or even make contact with anything. Mendola, then, cannot anticipate Applicant's Claim 38; Claims 39-41 depend from Claim 38, and thus are allowable for at least the same reason.

REJECTIONS BASED ON 35 U.S.C. §103

The Office Action rejected Claim 30 under 35 U.S.C. §103(a) as being unpatentable over Komata in view of Wenander. As argued above, Komata does not teach every feature of Applicant's Claim 24, and Wenander does not remedy the deficiencies of Komata. Additionally, as with Mendola, above, Applicant asserts that only with Applicant's specification in hand, and with the benefit of impermissible hindsight, could anyone characterize one of Wenander's "plurality of small holes 7" (col. 2, lines 47-48), each with a diameter of "1-1.5 mm" (col. 2, lines 63-64) as a vacuum port. Even if one of the plurality of small holes could accurately be characterized as a vacuum port, it would be ineffective for its intended purpose: one 1-1.5 mm diameter hole, connected to a vacuum source, presumably via a length of 1-1.5 mm diameter hose, could not possibly produce any kind of pressure differential in the system. Thus, Komata in view of Wenander cannot anticipate Claim 30, which depends from Claim 24.

The Office Action rejected Claims 35-42 under 35 U.S.C. §103(a) as being unpatentable over Komata. Applicant respectfully disagrees. As argued above, Komata does not disclose

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every limitation of Applicant's claims except for using a housing. Therefore, even if using a housing for the vacuum mat is obvious, Komata still does not remedy the deficiencies of Komata, and thus cannot anticipate Applicant's Claims 35-42.

The Office Action rejected Claims 37 and 42 under 35 U.S.C. §103(a) as being unpatentable over Mendola in view of U.S. Patent No. 3,426,487 ("Forte"). Applicant respectfully disagrees. As argued above, Mendola does not disclose every limitation of Applicant's Claims 35 and 38, and Forte does not remedy the deficiencies of Mendola. Thus, since Claims 37 and 42 depend from Claims 35 and 38, Mendola in view of Forte cannot anticipate Claims 37 and 42.

Claims 24-30 and 32-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mendola. Applicant respectfully disagrees. Mendola does not teach every limitation of Claims 24 and 33, including at least protrusions. Substituting a housing for the mat of Claims 24 and 33 does not remedy the deficiencies of Mendola, and thus Mendola cannot anticipate Claims 24 and 32. As Claims 25-30, 32, and 34 depend from Claims 24 and 33, those Claims are allowable for at least the same reasons.

Claim 31 was rejected under 35 U.S.C. §103(a) as being unpatentable over Mendola in view of Forte. Applicant respectfully disagrees. As argued above, Mendola fails to teach every limitation of Claim 24, and Forte does not remedy the deficiencies of Mendola. Thus, Mendola in view of Forte cannot anticipate Claim 31, as Claim 31 depends from Claim 24.

CONCLUSION

Applicant believes all the Claims stand in condition for allowance. Should Examiner have any questions, he is invited to contact Applicant's representative at the address and telephone numbers set forth below.

DATED this 15th day of February 2008.

Respectfully submitted,

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